

**MINUTES OF THE REGULAR MEETING OF  
THE CHARLOTTE COUNTY  
CONSTRUCTION INDUSTRY LICENSING BOARD  
18500 Murdock Circle, Room 119  
Port Charlotte, Florida 33948**

**September 1, 2011, 6 p.m.**

- I. CALL TO ORDER by Vice Chair, Carleton Strong at 6:00 PM**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**

**Members Present:**

**William Ambrose  
John Damon  
Mike Douglass  
John Herston  
Erik Howard  
Stan Munson  
Carleton Strong  
Robert Koch, Board Attorney**

**Members Excused Absence:**

**Pat Laurendine  
Richard Eger**

**Staff Present:**

**Erin Mullen-Travis, Licensing and Code Enforcement Manager  
Joanna Colburn, Certified Code Compliance Officer  
Wendy Pacheco, Certified Code Compliance Officer  
Jim Evetts, Building Official  
Kira Honse, Assistant County Attorney  
Mary Ann Grey, Clerk**

**IV. AGENDA CHANGES**

**Under Discipline Cases:**

- C. Charles Emlyn  
d/b/a Charles Emlyn, The Affordable Group Inc.  
License No. CAC1816547  
Case No. CIL-11-00431**

**Case has been continued indefinitely.**

- E. John Hose  
f/k/a Images Graphic Specialties, Inc.  
now d/b/a I 2 Visual, Inc.  
License # ES0000361  
Case No. CIL-11-00454

**Continued to March 1, 2012**

- H. Russell S. McDaniel  
d/b/a Alpha Omega Contracting Group LLC  
License No. CCC1325936  
Case No. CIL-10-00397

**Continue to March 1, 2012**

- J. Howard L. Moss  
d/b/a Air Conditioning Experts  
License No. RA13067195  
Case No. CIL-11-00513

**Case is dismissed.**

- L. Winston F. Tilley Jr.  
d/b/a Sun State Roofing & Repairs LLC  
License No. CCC1325798  
Case No. CIL-11-00330

**Continued to March 1, 2012**

- B. Charles Frank Bean III  
d/b/a Premier Remodeling  
License No. RB29003279  
Case No. CIL-11-00417

**Continued to October 6, 2011**

- V. **NEXT MEETING DATE:** October 6, 2011, at 6:00 p.m.
- VI. **SWEARING IN OF ALL THOSE GIVING TESTIMONY**
- VII. **QUASI-JUDICIAL HEARING**
- VIII. **APPROVAL OF MINUTES:** August 4, 2011

**Stan Munson motioned to approve the minutes. Michael Douglass seconded and the minutes were approved unanimously.**

**IX. CONSENT – AFFIDAVITS OF NONCOMPLIANCE FINES: None**

All matters listed under this item are considered to be routine and action will be accomplished by one motion without separate discussion of each item. If discussion is desired by a member of the Board, that item(s) will be removed from the Consent Agenda and considered separately. **Each case has been assessed with an additional \$18.50 for the cost of recording the lien.**

**X. CONTESTING CITATION: None**

**XI. OLD BUSINESS:**

**A. Norbert Rogers  
d/b/a Char Lee Enterprises Inc.  
License #AAA004423  
Case Number CIL-10-00469**

**Joanna Colburn**

Joanna Colburn presented the case. Mr. Rogers was present to give testimony.

**Motion: Stan Munson made the motion to close the public hearing and William Ambrose seconded the motion and it was approved unanimously.**

**Motion: John Herston made a motion to give Mr. Rogers a thirty (30) day extension and then appear before the board at the October meeting. Stan Munson seconded and the motion was approved unanimously.**

**B. Samuel Jerez  
d/b/a Jerez Home Builders, Inc.  
License #CRC1327249  
Case Number CIL-10-00315**

**Joanna Colburn**

Joanna Colburn presented the case. Mr. Jerez was present.

**Motion: William Ambrose made the motion to close the public hearing and Stan Munson seconded the motion and it was approved unanimously.**

**Motion: Erik Howard made a motion to permanently reinstate Mr. Jerez permitting privileges. Stan Munson seconded and the motion was approved unanimously.**

**XII. LICENSE REVIEW:**

**A. Robert J. Dunigan  
d/b/a Citywide Air Conditioning Inc.  
License # CAC057747  
Case No. CIL-10-00387**

**Wendy Pacheco**

Mr. Dunigan has requested a hearing for the reinstatement of his license, specifically but not limited to finish any outstanding permits.

Wendy Pacheco, Licensing Investigator, provided testimony as stated in the investigative report. Mr. Dunigan and his attorney were present to give testimony.

**Motion: Stan Munson made the motion to close the public hearing and Michael Douglass seconded the motion and it was approved unanimously.**

**Erik Howard made a motion to temporarily reinstate Mr. Dunigan's permitting privileges and right to work as a contractor in Charlotte County to specifically final out the two expired permits. Mr. Dunigan will need to come before the board again after those permits have been finalized to request to be permanently reinstated. William Ambrose seconded and the motion was approved unanimously.**

**B. Marshall Gray  
f/k/a KB Homes of Tampa LLC  
License #CBC046141  
CIL-10-00353**

**Paul Martineau**

Mr. Gray has requested a hearing for the reinstatement of his license and permitting privileges and authority to engage in business as a contractor in Charlotte County

Paul Martineau, Licensing Investigator, provided testimony as stated in the investigative report. Mr. Gray was present to give testimony.

**Motion: Stan Munson made the motion to close the public hearing and Michael Douglass seconded the motion and it was approved unanimously. Erik Howard made a motion to reopen the public hearing to allow Mr. Martineau to add further testimony and Stan Munson seconded the motion and it was approved unanimously. Erik Howard made a motion to close the public hearing and Stan Munson seconded. It was approved unanimously.**

**Stan Munson made a motion to reinstate Mr. Gray's permitting privileges and authority to engage in business as a contractor in Charlotte County. John Damon seconded and the motion was approved unanimously.**

**C. Alexander Masias  
d/b/a Camprossi Inc.  
License # CBC1251894  
Case Number 2009-039**

**Paul Martineau**

Mr. Masias requested hearing regarding the complaint against his license and permitting privileges.

Paul Martineau, Licensing Investigator, provided testimony as stated in the investigative report. Mr. Masias was present to give testimony

**Motion: Erik Howard made the motion to close the public hearing and Stan Munson seconded the motion and it was approved unanimously.**

Eric Howard made a motion to permanently reinstate Mr. Masias's permitting privileges and authority to engage in business as a contractor in Charlotte County. William Ambrose seconded and the motion was approved unanimously.

**XIII. DISCIPLINE CASES:**

**A. Timothy R. Baldwin  
d/b/a T Baldwin Environmental Service  
License No. CGC049747  
Case No. CIL-11-00425**

**Paul Martineau**

Case was continued to October 6<sup>th</sup> board meeting, as Mr. Baldwin came forward with a bunch of paperwork today and the staff of the Licensing Division needs to go through it.

**B. Charles Frank Bean III  
d/b/a Premier Remodeling  
License No. RB29003279  
Case No. CIL-11-00417**

**Joanna Colburn**

Case was continued to October.

**C. Charles Emlyn  
d/b/a Charles Emlyn, The Affordable Group Inc.  
License No. CAC1816547  
Case No. CIL-11-00431**

**Joanna Colburn**

Case was continued indefinitely.

**D. Clifford Hall  
d/b/a J & M Heating & Cooling, Inc.  
License # CAC041171  
Case Number CIL-11-00302**

**Paul Martineau**

**CHARGE 1: Florida Statute 489.129 (1) (j) – Disciplinary Proceedings -**  
Abandoning a construction project in which the contractor is engaged or under contract as a contractor. A project may be presumed abandoned after 90 days if the contractor terminates the project without just cause or without proper notification to the owner, including the reason for termination, or fails to perform work without just cause for 90 consecutive days. **(1 Count)**

**CHARGE 2: Florida Statutes Chapter 489.129 (1)(m) – Disciplinary Proceedings –**  
Committing incompetency or misconduct in the practice of contracting. **(1 Count)**

Misconduct as defined in part by the American Heritage Dictionary is:

1. Behavior not conforming to the prevailing standards or laws, Impropriety.
2. Dishonest or bad management, especially by persons entrusted or engaged to act on another's behalf.

**CHARGE 3: Charlotte County Code 3-2-47 (b) (4) – Disciplinary action – Willful or deliberate disregard and violation of any lawful order of the board, any provisions of Charlotte County Code, chapter 3-2, chapter 3-9, any provisions of any code**

adopted pursuant to this chapter or any state law regulating the construction industry, including Chapter 489 and Part I of Chapter 455. (1 Count)

**CHARGE 4: Charlotte County Code 3-2-47 (b) (20) – Disciplinary action –  
Failing to obtain inspection including but not limited to final inspection (1 Count)**

Paul Martineau, Certified Contractor License Investigator, provided testimony as stated in the investigative report. A call was made throughout the room and outside in the hall to determine if Mr. Hall was present, which he was not.

The Charlotte County Licensing Division staff requested the Board to accept the report from the August 4<sup>th</sup> meeting entered into the record as so presented.

The Charlotte County Licensing Division staff made the recommendation that Clifford Hall, License No. CAC041171, be found in violation of all the referenced charges. It was further recommended that Mr. Hall's permitting privileges and the authority to engage in business or act in the capacity of a contractor in Charlotte County be REVOKED. It was further recommended this case and a copy of this Board's order be prepared and sent to the Florida Construction Industry Licensing Board with a recommendation that Mr. Hall's State Certified Air Conditioning Contractor's license also be suspended or revoked.

Motion: Stan Munson made the motion to close the public hearing. Michael Douglass seconded the motion and it was approved unanimously.

Motion: Erik Howard made a motion that Clifford Hall, License No. CAC041171, be found in violation of all the referenced charges. It was further recommended that Mr. Hall's permitting privileges and the authority to engage in business or act in the capacity of a contractor in Charlotte County be REVOKED. It was further recommended this case and a copy of this Board's order be prepared and sent to the Florida Construction Industry Licensing Board with a recommendation that Mr. Hall's State Certified Air Conditioning Contractor's license also be suspended or revoked. Carleton Strong seconded and it was approved unanimously.

E. John F. Hose  
f/k/a Images Graphic Specialties, Inc.  
now d/b/a I 2 Visual, Inc.  
License No. ES0000361  
Case No. CIL-11-00454

Wendy Pacheco

Continued to March 1, 2012

F. David B. Link  
d/b/a Cool Aid A/C of SW Florida, Inc.  
License No. CAC058670  
Case No. CIL-11-00356

Wendy Pacheco

**CHARGE 1: Florida Statute 489.129 (1) (j) – Disciplinary Proceedings -**  
Abandoning a construction project in which the contractor is engaged or under contract as a contractor. A project may be presumed abandoned after 90 days if the contractor terminates the project without just cause or without proper notification to the owner, including the reason for termination, or fails to perform work without just cause for 90 consecutive days. **(7 Counts)**

**CHARGE 2: Florida Statutes Chapter 489.129 (1)(m) – Disciplinary Proceedings –**  
Committing incompetency or misconduct in the practice of contracting. **(7 Counts)**

Misconduct as defined in part by the American Heritage Dictionary is:

1. Behavior not conforming to the prevailing standards or laws, Impropriety.
2. Dishonest or bad management, especially by persons entrusted or engaged to act on another's behalf.

**CHARGE 3: Charlotte County Code 3-2-47 (b) (4) – Disciplinary action – Willful or deliberate**  
disregard and violation of any lawful order of the board, any provisions of Charlotte County Code, chapter 3-2, chapter 3-9, any provisions of any code adopted pursuant to this chapter or any state law regulating the construction industry, including Chapter 489 and Part I of Chapter 455. **(7 Counts)**

**CHARGE 4: Charlotte County Code 3-2-47 (b) (20) – Disciplinary action –**  
Failing to obtain inspection including but not limited to final inspection **(7 Counts)**

**Wendy Pacheco, Certified Contractor License Investigator, provided testimony as stated in the investigative report. Mr. Link was not present.**

**The Charlotte County Licensing Division staff made the recommendation that David B. Link, License No. CAC058670, be found in violation of all the referenced charges. It was further recommended that Mr. Link's permitting privileges and the authority to engage in business or act in the capacity of a contractor in Charlotte County be REVOKED. It was further recommended this case and a copy of this Board's order be prepared and sent to the Florida Construction Industry Licensing Board with a recommendation that Mr. Link's State Certified Air Conditioning Contractor's license also be suspended or revoked.**

**Motion: Stan Munson made the motion to close the public hearing. William Ambrose seconded the motion and it was approved unanimously.**

**Motion: William Ambrose made a motion that David Link, License No. CAC058670, be found in violation of all the referenced charges and that the Board accept staff's recommendation as the board's order. John Herston seconded the motion and it was approved unanimously.**

**G. Timothy F. Matthew  
d/b/a Victorian Homes, Inc.  
License No. CBC1251481  
Case No. CIL-11-00326**

**Wendy Pacheco**

**CHARGE 1: Florida Statute 489.129 (1) (j) – Disciplinary Proceedings -**  
Abandoning a construction project in which the contractor is engaged or under contract as a contractor. A project may be presumed abandoned after 90 days if the contractor terminates the project without just cause or without proper notification to the owner, including the reason for termination, or fails to perform work without just cause for 90 consecutive days. **(4 Counts)**

**CHARGE 2: Florida Statutes Chapter 489.129 (1)(m) – Disciplinary Proceedings –**  
Committing incompetency or misconduct in the practice of contracting. **(4 Counts)**

Misconduct as defined in part by the American Heritage Dictionary is:

1. Behavior not conforming to the prevailing standards or laws, Improprity.
2. Dishonest or bad management, especially by persons entrusted or engaged to act on another's behalf.

**CHARGE 3: Charlotte County Code 3-2-47 (b) (4) – Disciplinary action – Willful or deliberate**  
disregard and violation of any lawful order of the board, any provisions of Charlotte County Code, chapter 3-2, chapter 3-9, any provisions of any code adopted pursuant to this chapter or any state law regulating the construction industry, including Chapter 489 and Part I of Chapter 455. **(4 Counts)**

**CHARGE 4: Charlotte County Code 3-2-47 (b) (20) – Disciplinary action –**  
Failing to obtain inspection including but not limited to final inspection **(4 Counts)**

**Wendy Pacheco, Certified Contractor License Investigator, provided testimony as stated in the investigative report. Mr. Matthew was present to give testimony.**

**The Charlotte County Licensing Division staff made the recommendation that the new permitting privileges of Timothy F. Matthew, License No. CBC1251481, be suspended and that the permits listed in the notice be renewed within 30 days. Per the Florida Building Code, Mr. Matthew must obtain final inspections of all outstanding permits within 6 months or in accordance with the Florida Building Code.**

**If Mr. Matthew does obtain the required final inspections within the allocated time frame after the permits were renewed, it is recommended that Mr. Matthew's new permitting privileges in Charlotte County be restored without the necessity of reappearing before this Board.**

**If Mr. Matthew fails to comply with the Board's order within the allocated period of time and allows any of the renewed permits to expire again, Mr. Matthew's permitting privileges in Charlotte County will be revoked without requiring him to reappear before the Board.**

**Motion: Erik Howard made the motion to close the public hearing. Carleton Strong seconded the motion and it was approved unanimously.**

**Motion: Erik Howard made a motion that Timothy F. Matthew, License No. CBC1251481, The Charlotte County Licensing Division staff made the**

recommendation that the new permitting privileges of Timothy F. Matthew, License No. CBC1251481, be suspended and that the permits listed in the notice be renewed within 30 days. Per the Florida Building Code, Mr. Matthew must obtain final inspections of all outstanding permits within 6 months or in accordance with the Florida Building Code.

If Mr. Matthew does obtain the required final inspections within the allocated time frame after the permits were renewed, Mr. Matthew's must reappear before the Board to ask to have his new permitting privileges in Charlotte County be restored.

If Mr. Matthew fails to comply with the Board's order within the allocated period of time and allows any of the renewed permits to expire again, Mr. Matthew's permitting privileges and the authority to engage in business or act in the capacity of a contractor in Charlotte County be REVOKED without requiring Timothy F. Matthew to reappear before the Board and that this case and a copy of this Board's order be prepared and sent to the Florida Construction Industry Licensing Board with a recommendation that Mr. Matthew's State Certified Building Contractor's license also be suspended or revoked.

William Ambrose seconded and it was approved unanimously.

H. Russell S. McDaniel  
d/b/a Alpha Omega Contracting Group LLC  
License No. CCC1325936  
Case No. CIL-10-00397

Paul Martineau

Continued to March 1, 2012

I. Richard M. McNeal  
d/b/a New Code Windows & Doors, Inc.  
License No. CGC059099  
Case No. CIL-11-00346

Wendy Pacheco

**CHARGE 1:** Florida Statute 489.129 (1) (j) – Disciplinary Proceedings - Abandoning a construction project in which the contractor is engaged or under contract as a contractor. A project may be presumed abandoned after 90 days if the contractor terminates the project without just cause or without proper notification to the owner, including the reason for termination, or fails to perform work without just cause for 90 consecutive days. **(2 Counts)**

**CHARGE 2:** Florida Statutes Chapter 489.129 (1)(m) – Disciplinary Proceedings – Committing incompetency or misconduct in the practice of contracting. **(2 Counts)**

Misconduct as defined in part by the American Heritage Dictionary is:

1. Behavior not conforming to the prevailing standards or laws, Impropropriety.
2. Dishonest or bad management, especially by persons entrusted or engaged to act on another's behalf.

**CHARGE 3:** Charlotte County Code 3-2-47 (b) (4) – Disciplinary action – Willful or deliberate disregard and violation of any lawful order of the board, any provisions of Charlotte County Code, chapter 3-2, chapter 3-9, any provisions of any code adopted pursuant to this chapter or any state law regulating the construction industry, including Chapter 489 and Part I of Chapter 455. (2 Counts)

**CHARGE 4:** Charlotte County Code 3-2-47 (b) (20) – Disciplinary action – Failing to obtain inspection including but not limited to final inspection (2 Counts)

Wendy Pacheco, Certified Contractor License Investigator, provided testimony as stated in the investigative report. Mr. McNeal was present to give testimony.

Motion: Erik Howard made the motion to close the public hearing. Stan Munson seconded the motion and it was approved unanimously.

Motion: Erick Howard made a motion that the case against Richard M. McNeal, License No. CGC059099, be continued to the November 3<sup>rd</sup> Board meeting. Stan Munson seconded and it was approved unanimously.

J. Howard L. Moss  
d/b/a Air Conditioning Experts  
License No. RA13067195  
Case No. CIL-11-00513

Paul Martineau

Dismissed

K. Earl T. Soinski  
f/k/a All Tin Sheet Metal & Roofing Inc.  
License No. CCC058098  
Case No. CIL-11-000323

Wendy Pacheco

**CHARGE 1:** Florida Statute 489.129 (1) (j) – Disciplinary Proceedings - Abandoning a construction project in which the contractor is engaged or under contract as a contractor. A project may be presumed abandoned after 90 days if the contractor terminates the project without just cause or without proper notification to the owner, including the reason for termination, or fails to perform work without just cause for 90 consecutive days. (3 Counts)

**CHARGE 2:** Florida Statutes Chapter 489.129 (1)(m) – Disciplinary Proceedings – Committing incompetency or misconduct in the practice of contracting. (3 Counts)

Misconduct as defined in part by the American Heritage Dictionary is:

1. Behavior not conforming to the prevailing standards or laws, Impropriety.
2. Dishonest or bad management, especially by persons entrusted or engaged to act on another's behalf.

**CHARGE 3:** Charlotte County Code 3-2-47 (b) (4) – Disciplinary action – Willful or deliberate  
CILB Agenda

disregard and violation of any lawful order of the board, any provisions of Charlotte County Code, chapter 3-2, chapter 3-9, any provisions of any code adopted pursuant to this chapter or any state law regulating the construction industry, including Chapter 489 and Part I of Chapter 455. (3 Counts)

**CHARGE 4: Charlotte County Code 3-2-47 (b) (20) – Disciplinary action –  
Failing to obtain inspection including but not limited to final inspection (3 Counts)**

**Wendy Pacheco, Certified Contractor License Investigator, provided testimony as stated in the investigative report.**

**The Charlotte County Licensing Division staff requested that the case be submitted into evidence.**

**The Charlotte County Licensing Division staff made the recommendation that Earl T. Soinski, License No. CCC058098, be found in violation of all the referenced charges. It was further recommended that Mr. Soinski’s permitting privileges and the authority to engage in business or act in the capacity of a contractor in Charlotte County be REVOKED. It was further recommended this case and a copy of this Board’s order be prepared and sent to the Florida Construction Industry Licensing Board with a recommendation that Mr. Soinski’s State Certified Roofing Contractor’s license also be suspended or revoked.**

**Motion: John Damon made the motion to close the public hearing. Erik Howard seconded the motion and it was approved unanimously.**

**Motion: William Ambrose made a motion that Earl T. Soinski, License No. CCC058098, be found in violation of all the referenced charges and that the Board accept staff’s recommendation as the Board’s order. Stan Munson seconded and it was approved unanimously.**

**L. Winston F. Tilley Jr.  
d/b/a Sun State Roofing & Repairs LLC  
License No. CCC1325798  
Case No. CIL-11-00330**

**Wendy Pacheco**

**Continued to March 1, 2012**

**XIV. MANDATORY POOL STICKERS FOR CONTRACTORS – Discussion ensued as to whether the rule should be for all contractors or just the pool contractors. Assistant County Attorney Kira Honse suggested that the at this time, the Board give her a motion to just start drafting a motion and then a member address the CDBIA board regarding the stickers to see if other contractors are interested in doing the same. Board Member Carleton Strong made a motion that the Assistant County Attorney and the Licensing Division Manager draft language for an ordinance to have mandatory identity stickers for Pool & Spa Pool servicing contractors for local registered contractors. John Herston seconded the motion. Motion was approved with Erik Howard oppose.**

**XV. CITIZEN INPUT - None**

**XVI. REPORT FROM THE LICENSING DIVISION MANAGER – Erin Mullen-Travis advised the Board that this will be the last board meeting that Joanna Colburn will be at as she is resigning her position with Charlotte County.**

**She also let the Board know that she has more bumper stickers for “hiring a licensed contractor...”**

**The Board asked if the positions will be filled and Erin answered that they would be replaced.**

**XVII. REPORT FROM THE BUILDING OFFICIAL - NONE**

**XVIII. REPORT FROM THE ASSISTANT COUNTY ATTORNEY - None**

**XIX. BOARD ATTORNEY COMMENTS - None**

**XX. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS – add item to the agenda to have numbers from staff on the licensed Charlotte Co. contractors and state contractors. Erin commented that the county is issuing renewals now and the numbers are down.**

**Does staff check out distributors was asked and Erin said that staff does not and that it needs to come from the industries.**

**XXI. ADJOURNMENT**

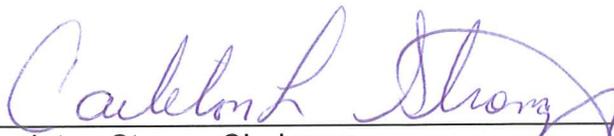
**Any person who decides to appeal a decision of this Board will need a record of the proceedings pertaining thereto, and therefore may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.**

**Stan Munson made the motion to adjourn. Erik Howard seconded the motion and it was approved unanimously. The meeting was adjourned at 8:14 p.m.**

Charlotte County  
Construction Industry Licensing Board

Minutes of September 1, 2011

Read and approved by:

  
Carleton Strong, Chairman

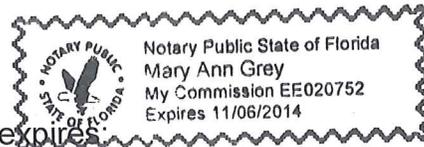
Date:

October 6, 2011

STATE OF FLORIDA  
COUNTY OF CHARLOTTE

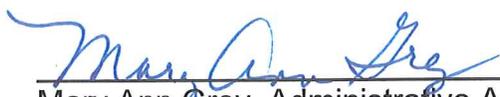
The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of October, 2011 who is personally known to me and who did not take an oath.

  
\_\_\_\_\_  
Signature of Notary



My Commission expires

I hereby attest and affirm that the minutes of the September 1, 2011 Construction Industry Licensing Board meeting are true and accurate to the best of my ability. Complete files of all cases as well as taped recordings of all proceedings of this hearing are kept in the Building Construction Services and Contractor Licensing Division and are available to the public. Copies of the tapes are available upon request for a minimal fee.

  
\_\_\_\_\_  
Mary Ann Grey, Administrative Assistant II  
Construction Industry Licensing Board  
Building Construction Services Department/  
Contractor Licensing Division